

In United State District Court  
for the District Court of Puerto Rico

RECEIPT #	172X100053205
AMOUNT:	\$400.00
DEC 27 2017	
<i>Amelinda Lopez</i>	
CASHIER'S SIGNATURE	

CIVIL NO.

17-cv-2379 CCC

Miriam Sanchez Lebrón  
Carlos Manuel Sanchez Lebrón  
C.O.S.R.  
PLAINTIFF

VS

National Personnel Records Center  
Defense Finance and Accounting Service  
Department of Veteran Affairs  
DEFENDANTS

RECEIVED AND FILED  
CASHIER  
2017 DEC 27 AM 11:24  
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U.S. DISTRICT COURT  
SAN JUAN, P.R.

**DEMAND**

We Miriam Sanchez Lebron, Carlos Manuel Sanchez Lebron and C.O.S.R. acting «PRO SE» appear before this Federal Honorable Court to invoke an **Injunction Order** through the Federal Rule 28 U.S.C.§1361 to claim copies of two resolution dated on April 29 and July 10, 1955. Assigned by Humacao Superior Court with the case number CS 1955-00732 at the name of **Eladio Lebron**.

We are resident of Puerto Rico with the following postal address HC-04 Box 4001, Humacao, Puerto Rico 00791-8900. Our cellular phones are 787-501-9355 and my brother 787-486-2846, with the following e-mails address [sanchez.lebron501@gmail.com](mailto:sanchez.lebron501@gmail.com) and [carlos.sanchez6604@gmail.com](mailto:carlos.sanchez6604@gmail.com).

**Defendants:** National Personnel Records Center, Military Personnel Records, 9700  
Page Avenue, St. Louis, Missouri 63132-5100

Defense Finance and Accounting Service, Indianapolis, 8899 East 56<sup>th</sup> Street,  
Indianapolis, IN 46249-0001

Department of Veterans Affairs, Indianapolis Regional Office, 575 North  
Pennsylvania Street, Indianapolis, IN 46204

## JURISDICTION

Based on the Federal Rule 28 U.S.C. § 1361 this Federal Honorable Court have original jurisdiction of any action mandamus to compel an Officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff. We are requesting this Federal Honorable Court to claim copies of the two-resolution made by Humacao Superior Court dated on **April 29 and July 10, 1955** under the case **CS 1955-00732** to the three Departments or Agency mentioned above.

### ALLEGATIONS

Since 2008 up to 2017 I had been requesting documents information related with my grandfather Eladio Lebron, veteran with the Army Serial Number 20022413.

1. At first, I wrote a letter to the Veteran Affairs, in San Juan, Puerto Rico on April 23, 2008 to claim any document for my grandfather Eladio Lebron residential home address and any payment issued by him to pay his home property requested by my lawyer to clear up a court case in the First Instance Court at Humacao. They found NO record so they send to me a SF-180 to fill out and to send it to Department of Defense. (Exhibit No. 1).
2. This request I send was answered by the National Personnel Records Center on June 16, 2008. They required me to pay a fee so I did pay. By June 30, 2008, I received documents copies for my grandfather record file Eladio Lebron dated 1945. (Exhibit No.2).
3. Since, I received those documents copies we decide to request some more information related to any transaction made in Puerto Rico by the Humacao Superior Court at his name. What I, received was a letter dated on January 12, 2009 with NO record found (after they send me documents copies dated on 1945 from his record file a month before). So, they referred me to the Defense Finance and Accounting Service in Indianapolis Center. (Exhibit No.3).

4. Defense Finance and Accounting Service send me on August 20, 2009

Memorandum for Eladio Lebron telling me that pay records for this infant are No longer available to check the state where the National Guard Service was performed. (Exhibit No. 4).

5. On July 29, 2010, I wrote a letter again to the Department of Veteran Affairs in San Juan, Puerto Rico and the answered I received was that Veteran record are NO longer available. (Exhibit No.5).

6. At the beginning of March 2011, I submitted a request for Eladio Lebron financial documents and on March 21, 2011 the National Personnel Records Center answered me to informed me that the record needed to answer my inquiry are not in files. Due to fire, the major portion of records of Army Military personnel for the period 1912 through 1959 were destroyed. That they are pleased to enclose NA form 13038, Certification of Military Service. (Exhibit No.6).

7. On March 23, 2011, I wrote a letter to Mr. Joseph Cheragotti, at the National Personnel Records Center to let him know that my petition was related with Financial Accounting Department etc. I waited almost two weeks without response so I called up and I told the customer service representative that I has send a letter priority mail to Mr. Cheragotti and she told me that he hasn't received any letter from me, does not arrived there. So, I did another letter on May 3, 2011 in which I included the confirmation delivery receipt copy for the letter as evidences of the letter I send to them before. (Exhibit No.7).

8. The National Personnel Record Center answered me on May 19, 2011. This time they referred me to the Defense Finance and Accounting Service, at **Cleveland Center** in Cleveland Ohio. (Exhibit No.8).
9. Immediately, after I received the referred letter above I called up Cleveland Center and there they informed me that there is No records for Puerto Rico Veterans.
10. This time, I submitted another request to the National Personnel Records Center. On June 1, 2011, I received a memorandum for Eladio Lebron informed me that they had **exhausted all resources** through DFAS-Indianapolis and the Federal Records Centers and there NO records found. (Exhibit No. 9).
11. On May 9, 2011, I requested by the **Freedom of Information Act** to the Department of Veterans Affairs in Indianapolis all the documents they received from Humacao Superior Court related with Eladio Lebron. On December 11, 2012, I received answered from Ms. Barbara George, Support Service Division Chief, that there is No records found. (Exhibit No. 10).
12. On June 20, 2011, I forward an email to Mrs. Michelle Clifford because on tuesday, June 14, 2011 my brother received a phone call from Defense Finance and Accounting service telling him that my request was completed to call to telephone number he couldn't take. So, I wrote to her asking for help with my petition. (Exhibit No. 11).

13. On May 8, 2012, I requested to the National Personnel Records Center the content in the Box 0327 and a film reel number 3.49 in which this information was display in NARA-AAD full records page in the computer under his name Eladio Lebron. (Exhibit No. 12).
14. On May 31, 2012, I received a letter from Ms. Chinita Taylor Archives, technician (2C) in which she informed me that the information requested by me is not contained in the record recovered from the burned area. (Exhibit No. 13).
15. When I received that answered I send a text message to the National Personnel Records Center making an inquiry why they send to me SF180 form to filled out to request the contained of Box No. 0327 and the Film Reel No. 3.49 if the documents were destroyed by fire? (Exhibit No. 14).
16. The next day June 6, 2012, I received an e-mail from Mr. Vincent M., Customer Service Representative explaining to me that specific document or information requested is not contained in the records recovered from the burned area. (Exhibit No. 15).
17. During the month of May 2012, I traveled to Indianapolis, Indiana. So, on May 15, 2012 I went personally to the Department of Veteran Affairs to requested copies of my grandfather Official Military Personnel file. I was surprised because the customer service checks his name on the computer and an immediately gave me a form to fill out to request the documents. In any moment he didn't told me that No records found for Eladio Lebron.

Mr. Ferguson, customer service representative, told me that record had ever requested for anybody that I was the first person requested it. He also told me that to waited 30 to 60 days to received it. But on July 19, 2012, I received a letter from another section of the Department of Veteran because this time they requested me some more information. So, immediately I send all the documentation requested by Department of Veteran Affairs to process my request. (Exhibit No.16).

18. After 363 days waiting on May 29, 2013 almost a year, I received documents copies for my grandfather Eladio Lebron. The mayor parts of the documents were related with his retirement pension, his son William Lebron Colon, and his widow Mrs., Saturnina Ortiz, dated on 1945,1955,1957,1958,1966,1981 and 1993 but they don't send me any documents made by Humacao Superior Court, in Puerto Rico. For me this event was very impressionable when I received all this documents after a lot of letters receiving with NO records found when they had it in file. (Exhibit No.17).

19. Due that I was in Indianapolis, I went to Defense Finance and Accounting Service Office, on May 7, 2012 but they don't let me in into the lobby because I didn't have a military identification nor an appointment so they told me I had to be out of the building. So, front there I called by phone Mr. Dale Wentling office, but his answering machine said that he was out of his office. So, then I decided to called Mrs. Cyndia Moore Office and I spoke to Mrs. Glenda F. Malone, administrative assistant, due that on June 15, 2011 after Mr. Dale A.

Wentling completed with my request he sent me email inquiry me if the information requested pertain to me and he requested me to filled out a form because they need more information to proof the relationship with Eladio Lebron our grandfather to forward this information to Mrs. Cyndia Moore, Chief Special Processing Branch.(Exhibit No.18).

20. When I called at Mrs. Cyndia Moore office she requested me identification and so other documents, like birth certificate etc., which I send its by fax from the Guest House Indianapolis, the place I was staying. I told Mrs. Glenda F. Malone, her administrative assistant, that I was going to stay Indianapolis for a few weeks. But Mrs. Moore as soon as she received the document by fax, they put up in an envelope and a few days later returned all the documents back to my home address in Puerto Rico, and they arrived on May 17, 2012 with the same answered No records found, even though I told Mrs. Malone, administrative assistant that was in a Guest House in Indianapolis for few weeks more and they don't even call me to let me know that no records were found when I issued her all my information including my cellular telephone number and the Guest House address with the fax and phone number. (Exhibit No.19).

21. But on May 21, 2012 I send her a fax with an explanation letter with all the documents she requested me before, but I never received an answered related with that letter. (Exhibit No.20).

22. On June 11, 2013, I send an e-mail to Mrs. Michelle Clifford from the Defense Finance and Accounting Service requesting information about the money the Department of Veteran Affairs send to the Humacao Superior Court at Puerto Rico. A few hours later at 3: 19 pm in the same day they answered me by e-mail that DFAS-Indianapolis do not have records for the years 1945 and 1955. (Exhibit No.21).

23. On June 12, 2013, Mrs. Michelle Clifford send me another e-mail to informed me that according to the records data base in the Defense Finance Accounting Service Indianapolis nor the Federal Records Centers could locate any pay records for the requested period. (Exhibit No.22).

24. For me this event is very hard to believe, that there is no record found because when my grandfather died on **March 1955** his widow Mrs. Saturnina Ortiz starts to receive **monetary benefit** until December 1, 1992. For them issued a payment they should had to obtain an earnings relations of the past years earnings to determine the amount of money pertain to his widow, Mrs. Saturnina Ortiz. So, **my inquiry is from what account they were paying the widow benefit?** They should have had a **payroll account** record at his name. (Exhibit No. 23).

25. On May 23, 2012, I received an e-mail from Mr. Dale A. Wentling telling me that DFAS Indianapolis was the correct office to send paper work for processing. (Exhibit No. 24).

26. On August 7, 2013, after I submitted another request, I received a letter from the National Personnel Records Center informed me that there were alternate records sources that contained information which they required to pay a fee. So, I did pay the fee to obtain the documents information from Eladio Lebron record. (Exhibit No.25).
27. On August 21, 2013, when I received photocopy of my grandfather Eladio Lebron and I compared with the documents I received on June 30, 2008 were the same. (Exhibit No. 26).
28. On October 25, 2016, I made an Appeal «Freedom of Information Act Appeal» at the Office of General Counsel (024), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC20420. I claimed all the document related to Eladio Lebron on the Humacao Superior Court with the case 55-732. (Exhibit No 27).
29. On November 22, 2016 around 11:22 am I received a phone call on my land line number 787-850-1413 from the supposed Office of General Counsel (024), Department of Veterans Affairs from the telephone number 202-461-7762. The gentleman who called me identified himself as employees of the Department of Veterans. He told me that they received my letter but he doesn't understand my claim because with his 25 years working there he had no knowledge that the Department of Veterans had paid for service render to any official. And if the customer service representative doesn't find any information that mean they don't had any records at my grandfather name.

30. Recently, I started to search in my computer the phone number 202-461-7762 from which I received phone call from a supposed Department of Veterans, and I found that number is a private land line in Herndon, Washington, DC. And this phone number don't belong to any of the Department of Veterans dependence. This event is very strange for me due that letter was received on Office of General Counsel (024), Department of Veterans Affairs, 810 Vermont Avenue, NW Washington, DC 20420. And the answer for my Appeal Letter phone came from another place not related with the department. (Exhibit No. 28).
31. On April 5, 2017, I submitted another request to the Defense Finance and Accounting Service specifically to Mr. Dale Wentling requesting the two-resolution made by Superior Humacao Court with the correct number assigned dated on April 29 and July 10, 1955. (Exhibit No. 29).
32. The 60 days had gone and I submitted another e-mail asking for the status of my request but I never obtained an answered from them. (Exhibit No.30).
33. Enclosed you will find copy of my mother Juana Lebron Perez, the Participation and Asset Allocation Heredity Writ copy presence by notary Aguedo Mojica Marrero dated on August 1, 1955. In which the two resolutions mentioned in the writ are dated on April 29 and July 10, 1955 and made by the Superior Humacao Court in Puerto Rico. (Exhibit No.31).

## REMEDY

Since we had made all the requests and inquiry starting on 2008 up to 2017, and feel emotional, mentally injured and discriminated by the defendants.

We request this Honorable Federal Court to claim these two resolutions dated on April 29 and July 10, 1955 under the name of my grandfather Eladio Lebron with the corrected case number **CS1955-0732** assigned by the Superior Humacao Court of Puerto Rico to the three Departments or Agency mentioned above of this demand. And to give us copies to claim our real estate's ownership and register our home property.

DATE: DECEMBER 27, 2017

SIGNATURE:

*Miriam Sanchez Lebron*

SIGNATURE:

*Carlos M. Sainz Lebron*